

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Columbia Gas Transmission, LLC,

Plaintiff,

Case No. 2:17-cv-1048

v.

Judge Michael H. Watson

Steven A. Wharton, et al.,

Magistrate Judge Vascura

Defendants.

OPINION AND ORDER

There are a few remaining matters in this action. First, Columbia Gas Transmission, LLC ("Columbia Gas") and Mina L. Dioun move to dismiss unnecessarily joined parties. ECF No. 119. Pursuant to Federal Rule of Civil Procedure 71.1(i)(2), the motion is **GRANTED**. The following parties are **DISMISSED** as unnecessarily joined: Mo Dioun, WesBanco Bank, Inc., Ronald M. Jezerinac, FMKF, LLC, and Tiffany Sexton.

Next, Columbia Gas moves for payout of the February 2018 cash deposit, release of bond, and dismissal of the action (the "Motion"). ECF No. 118. After carefully considering the Motion and the entire record in this case, the Motion is **GRANTED** for the following reasons.

Columbia Gas filed this action on December 4, 2017. On February 12, 2018, pursuant to this Court's February 9, 2018 Opinion and Order, ECF No. 57, in order to make use of the Rights-of-Way and easements in accordance with

this Court's Preliminary Injunction Order, Columbia Gas deposited with the Court, via certified check, the amount of \$132,737.00 (the "February 2018 Cash Deposit") and posted a surety bond (Bond #BDTO-860020-018; the "Surety Bond") issued by Liberty Mutual Insurance Company in the amount of \$39,821.10, as required by Federal Rules of Civil Procedure 65(c), 67, and 71.1(j) and Order of this Court.

With the Motion, Columbia Gas tendered an exhibit summarizing the status and relevant history of the Tracts, the Landowner Defendants, the Deposits relative to the Tracts, and the previous dismissals (or other disposition) of all Tracts and Landowner Defendants, including its recent acquisition of all necessary outstanding interests as to Tract Nos. 7 and 8. Upon review of that exhibit, Columbia Gas has acquired all necessary interests for the project at issue, and no necessary interests remain outstanding to be acquired through this Action.

Accordingly, the Clerk is **DIRECTED** to pay out to Columbia Gas the February 2018 Cash Deposit, principal amount being \$132,737.00, together with any interest accrued thereon since the date of the February 2018 Cash Deposit (the "Payout Amount").

Columbia Gas requests that the Payout Amount be disbursed to "Columbia Gas Transmission, LLC" as payee, and mailed to:

Columbia Gas Transmission, LLC
c/o Carmody MacDonald PC
Attn: David M. Fedder

120 S. Central Avenue, Suite 1800
St. Louis, MO 63105

This Clerk is further **DIRECTED** to release the Surety Bond (BOND #BDTD-860020-018). Upon disbursement to Columbia Gas of the Payout Amount and the release of the Surety Bond, this action is **DISMISSED WITHOUT PREJUDICE**. All parties shall bear their own respective costs and attorneys' fees.

The Court **DIRECTS** the Clerk to provide a certified copy of this Order to counsel of record and any unrepresented parties.

After completing the above-outlined tasks, the Clerk shall close the case.

IT IS SO ORDERED.



MICHAEL H. WATSON
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT